



Attorney's Docket No. 35800/204489(5800-28A)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Robison et al. Confirmation No. 9505
Appl. No.: 09/668,266 Group Art Unit: 1655
Filed: September 22, 2000 Examiner: B. Sisson
For: 22025, A NOVEL HUMAN CYCLIC NUCLEOTIDE
PHOSPHODIESTERASE

November 20, 2001

DECLARATION UNDER 37 C.F.R. §1.802

Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned, Kathryn L. Coulter, declares and states,

1. That she has full and express authority to represent Millennium Pharmaceuticals, Inc., Assignee of Application No. 09/668,266 by assignment recorded in the United States Patent and Trademark Office on September 27, 1999, at Reel 010625 and Frame 0080.
2. That she has read and understands the above-captioned U.S. Patent Application Number 09/668,266, filed September 27, 1999, for "22025, A Novel Human Cyclic Nucleotide Phosphodiesterase."
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
<i>Escherichia coli</i> with plasmid EpfbhX22025	<u>PTA-1644</u>	<u>4/5/2000</u>

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.
5. That the Assignee hereby provides assurance that it will:

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- a. During the pendency of the patent application, allow access to the deposited *Escherichia coli* with plasmid EpfbhX22025 listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
 - b. Replace the deposited *Escherichia coli* with plasmid EpfbhX22025 should it die or be destroyed:
 - (1) During the enforceable life of any patent issued out of the above-identified patent application,
 - (2) For five years after the last request for a sample of the deposited *Escherichia coli* with plasmid EpfbhX22025, or
 - (3) For thirty years;
 - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the *Escherichia coli* with plasmid EpfbhX22025 for the duration of the deposit; and
 - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Millennium Pharmaceuticals, Inc.

By: Kathryn L. Coulter
Kathryn L. Coulter
Registration No. 45,889

Date: 11/20/2001